

**Federal Communications Commission**

**DA 04-1842**

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**Before the  
Federal Communications Commission  
Washington, DC 20554**

JUN 25 3 50 AM '04

In the Matter of )  
Request for Waiver by )  
Holyoke School District Re-1J ) File No. SLD-369994  
Holyoke, Colorado )  
Schools and Libraries Universal Service Support ) CC Docket No. 02-6  
Mechanism )

**ORDER**

**Adopted: June 24, 2004**

**Released: June 24, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Holyoke School District Re-1J (Holyoke), Holyoke, Colorado seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> Prior to the time that Holyoke filed its request with the Commission, it also filed a Request for Review of the same decision with SLD.<sup>2</sup> The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.<sup>3</sup> We therefore dismiss without prejudice Holyoke's Request for Review to the Commission. Once the Administrator has issued its decision, Holyoke may then appeal to the Commission, if it believes such an appeal is warranted at that time.<sup>4</sup>

<sup>1</sup> Letter from Carla Porter, Holyoke School District, to Federal Communications Commission, dated December 10, 2003, filed December 18, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

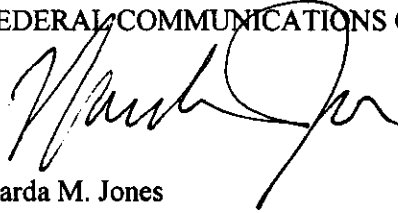
<sup>2</sup> Letter from Carla Porter, Holyoke School District, to Schools and Libraries Division, Universal Service Administrative Company, dated September 22, 2003, filed September 25, 2003.

<sup>3</sup> 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

<sup>4</sup> See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on December 18, 2003, by Holyoke School District Re-1J, Holyoke, Colorado IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'Narda M. Jones', is written over the printed name.

Narda M. Jones  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau